



## Arizona Ombudsman-Citizens' Aide

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July 23, 2007

Members of the Arizona Legislature

The Honorable Janet Napolitano, Governor

Pursuant to A.R.S. § 41-1376, I have the honor of submitting my annual report on the performance of our office during calendar year 2006.

Our job is to help citizens resolve problems with state government agencies by investigating their complaints, providing informal assistance, and coaching them on how best to advocate for themselves. Our *mission statement* is:

***To improve the effectiveness, efficiency and responsiveness of state government by receiving public complaints, investigating the administrative acts of state agencies and, when warranted, recommending a fair and appropriate remedy.***

Abraham Lincoln once said: *"It is as much the duty of government to render prompt justice against itself, in favor of citizens, as it is to administer the same between private individuals."* President Lincoln's statement explains why the legislature created our office.

Quite often, we in government are quick to pounce on the errant citizen, but we may not be as interested in prompt justice when government is the culprit. That's why it is important to have an independent office, like ours, where people can go when they have been treated unfairly by a government agency.

Some complaints are best handled by a simple telephone call to the appropriate administrator. Other complaints are serious enough to warrant a full investigation. In either case, our objective is to make sure government renders prompt justice against itself, just as it does against citizens.

This is our eleventh annual report and we hope it paints a picture of what our office does for the people of Arizona. As in previous reports, we have included a generous sampling of the kinds of problems that citizens bring to us and how we responded to them. We have also presented information that statute directs us to provide to the legislature, governor and public.

Most of our calls come directly from citizens, but we also receive quite a few referrals from members of the legislature, governor's office, state agencies, and community organizations. Our services are confidential and we do not charge a fee. We take inquiries on the phone, in person, by FAX, mail and e-mail. We don't have any forms to fill out and try to make our interaction with people as simple, straightforward and unbureaucratic as possible.

*Pat Shannahan*  
*Ombudsman-Citizens' Aide*

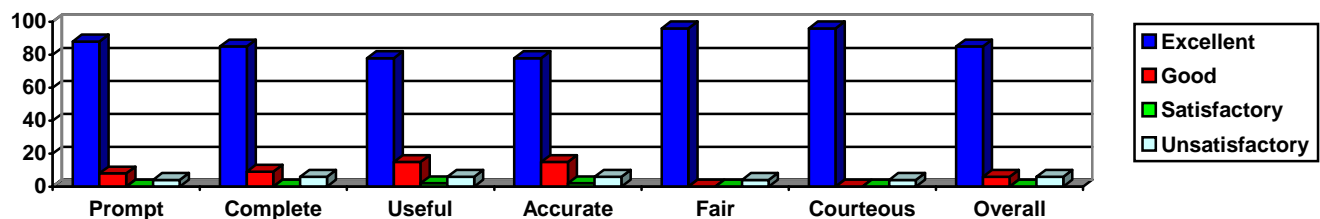
## Customer Satisfaction Survey

It is important for us to receive feedback from the citizens we help so that we can evaluate our performance, correct shortcomings and improve our service. One way we get feedback is through our customer satisfaction survey. The survey measures how well we are accomplishing six standards that we developed in our strategic plan. These standards are:

- Respond **promptly** to citizen inquiries.
- Provide as **complete** a response as possible.
- Provide **useful** solutions to citizens.
- Provide **accurate** response to citizen complaints.
- Treat everyone **fairly**.
- Treat everyone **with courtesy and respect**.

The following chart and comments summarize the results of the survey for calendar year 2006:

### Customer Satisfaction Survey Results -- Percent



### Selected Survey Comments From the Past Year

I can't believe you did in 2 days what I had been doing for 3 months. I have a new faith in Arizona. Thank you.

I was very impressed with quick and resourceful means provided to me in regard to my unemployment problems.

Thank God for Ombudsman-Citizens' Aide. I don't know what I would have done without them. I felt so alone, like the world was crashing in on me. Thank you.

Twice Joanne prompted action by the Department of Real Estate. Without her assistance, my case would still be there.

After contacting your office for assistance, the Departmental agencies finally responded in a cohesive manner and I received my license shortly thereafter. It is my opinion that this ordeal would have lingered on much longer than it did if it weren't for your intervention, support and expertise. Thank you for your time, support and assistance.

My problem was resolved in less than an hour. I was impressed with the level of service, promptness and professionalism. Please keep it up.

The office was very professional and responded to my issues in a very timely manner.

I worked with Joanne MacDonnell and she did a wonderful job! She helped so much to resolve my problem. She gave me new respect for government employees.

Thank you for treating me like I was a human being and not just a number.

The ombudsman, especially Kristin, was so courteous and prompt. Her help was so appreciated. She went out of her way to help me.

The people were very caring and considerate. Thank you.

This is the second time I have had to request assistance from the Big O and both times it was very good.

A staff from AZ Game and Fish contacted me not long after I called you. He explained the situation to my satisfaction. I was refunded my money sooner than expected. Many thanks. Great work.

An essential service for citizens of the state.

I was very impressed with the response of the Ombudsman-Citizen Aide. The Real Estate investigator's supervisor called and immediately located the investigation after one year delay and started it.

Ms MacDonnell was more help than Governor, Attorney General, Medical Board or Medicare. Thanks for seeing the truth about this attempted fraud by Dr. \_\_\_\_

You helped resolve a two year old problem.

It was wonderful to feel that someone was on the side of the citizen.

## **Case Examples From the Past Year**

### **Did we resolve a case that involved more than one agency or more than one level of government?**

20061853. A business owner sent in a check to the Department of Revenue (DOR) to pay taxes. Somehow the check was routed to and deposited incorrectly by the Department of Economic Security (DES) into the business owner's unemployment insurance account.

DES acknowledged the check was made payable to DOR and had been deposited incorrectly. Meanwhile, DOR had sent the business owner notices of past due taxes with penalties and interest. DES instructed the businessman to request a refund from his business's unemployment insurance account, but the refund would be payable to his business which no longer existed.

We contacted both DOR and DES and got the two agencies talking. DES agreed to issue the money directly to DOR, and DOR agreed to credit the amount to the business and back out any penalties and interest to the date of the original check.

20062481. An Arizona State Retirement System (ASRS) retiree and her husband said their retirement system healthcare provider, PacifiCare, inappropriately dropped them from coverage. The couple said they brought the error to the attention of ASRS in 2005 and ASRS staff instructed them to ignore the notification letter as it was wrong.

A number of months later, the retiree attempted to get medical services and was told her coverage was indeed terminated as the letter had threatened. The couple again notified ASRS. ASRS and PacifiCare staff stated Medicare had dropped them and nothing could fix the problem. The couple protested that it was untrue; they never dropped their Medicare coverage. The couple said that ASRS and provider staff rebuffed all attempts to correct the problem.

The couple explained they tried to submit documents to verify their position. They went to Medicare and got a letter saying Medicare never terminated the couple and their coverage had been in place since September 2001. The couple turned this letter in to both PacifiCare and to ASRS, but neither entity was fixing the problem saying the other had that responsibility. In the interim, the couple has been receiving medical bills and notices from the insurance company saying they must pay back prior payments.

We spoke to ASRS and they spoke to the insurance company. ASRS reported that the insurance company claims the member instructed the company to disenroll her and her husband. ASRS' insurance investigator reviewed the problem

and determined that either Medicare or the local insurance company had misunderstood an instruction and erroneously took the member out of coverage.

ASRS got the insurance carrier to reinstate the member and requested that the carrier pay the unpaid bills. The insurance company said they would not do that unless Medicare concurred. ASRS then worked with the complainant to gather documentation for this aspect of the case. ASRS issued a cover letter explaining why they thought the woman should receive her old benefits and gave this to the appropriate decision makers at the HMO for forwarding to Medicare. The Medicare staff reviewed the documents from ASRS and agreed to reinstate the complainant back to the beginning of 2005.

***Did we resolve a case that no one else was able to resolve internally?***

20061656. A grandmother who has custody of her grandson was upset the DES Family Assistance Administration (FAA) denied her application for medical benefits and services. DES records showed the grandmother was already receiving benefits. The grandmother discovered DES was errantly paying an illegal immigrant who was fraudulently using the grandmother's social security number.

The grandmother told us she filed a police report and a fraud claim with the DES Fraud Unit, yet DES was still allowing the wrong woman to collect benefits. The grandmother stated she was in urgent need of medical coverage due to bad knees. She explained how she went to great lengths to gather documents to prove her identity to the DES investigator, yet the woman who stole her identity was only able to produce one fake social security card and could not communicate in English. The grandmother stated that a number of weeks had elapsed yet DES had failed to provide her with benefits or stop the person from defrauding the State.

DES confirmed with us that two women were using the same social security number and the DES Fraud Unit was investigating. The DES investigator had given the accused woman a deadline to produce more identity but had failed to freeze the FAA account to stop benefits being paid out until she produced the additional documentation.

The DES Fraud Unit immediately froze the FAA account and the local DES FAA office worked with the complainant to process a new application for benefits retroactive to the date of her original application.

We also referred the complainant to the Federal Inspector General office that investigates improper use of social security cards and the Maricopa County Attorney's Fraud Unit so they could help her follow up with the police report.

20060114. A concerned husband complained that the Department of Transportation Motor Vehicle Division (MVD) had not responded to his application for a temporary handicap placard for the family vehicle. His wife's doctor had authorized the temporary handicap placard to be used during her recovery from hip replacement surgery.

We contacted MVD on behalf of the couple and MVD managers expedited the application and got the placard out to the family.

20062117. A non-custodial father complained that the Division of Child Support Enforcement (DCSE) had taken money from his bank account to cover an arrears balance. He had disputed the arrears two months earlier but DCSE levied his bank account anyway.

DCSE reported to us that the man had not provided DCSE the court order that reduced his arrears to zero as of 1997. Further, they said the father never informed them he paid support via the Superior Court system from 1993 through 1996. DCSE records showed that the father still owed \$23,000 in arrears.

Through our intervention, the father provided DCSE the 1997 court order and proof of the prior payments made through Superior Court. DCSE was then able to reduce his arrears to their proper amount of approximately \$1,500 and stopped the bank levy.

20060768. A Camp Verde resident complained that the DOR froze her bank accounts and took her money without advance notice. The complainant reported that she had owed \$22,210 for her 2004 tax return and paid the tax bill in November of 2005.

DOR records showed that they received the payment with an Estimated Payment Slip for 2005. As a result, DOR had posted the amount to an incorrect account which led to DOR freezing her bank accounts.

DOR corrected the posting to reflect the taxpayer's payment, re-posted the payment to the correct account and refunded the amount they had incorrectly taken.

20062103. A husband complained that the Arizona Health Care Cost Containment System (AHCCCS) had told him that his wife and infant would not lose AHCCCS coverage, yet they did. As a result, the family was forced to take out a second mortgage on their home to pay the medical bills.

The husband explained he informed DES a year ago that in starting a business, he could get coverage for himself and his elder child, but he needed coverage to continue for his pregnant wife. A male DES worker told the man not to submit a

renewal as this would drop the man and his elder child, yet the wife would automatically continue to receive coverage because she was pregnant.

The family followed this plan and received a letter dropping everyone except the pregnant wife. However, a couple months later, the plan dropped the wife just prior to the birth of the new child. The man said he and his wife fought this determination for months. He said DES staff repeatedly assured him they handled the matter, but each time they failed to fix the problem.

DES reviewed the case with us and determined that staff had committed some errors and these errors, in turn, led the family to do take other incorrect actions. DES decided to grant the medical coverage and fixed their system to update the case. They backdated the mother's coverage and granted her transitional coverage through August. In addition, they granted the infant coverage through her first birthday.

AHCCCS expedited reimbursement for the family once the family submitted their bills and payment stubs to their provider group.

***Did our investigation of a specific complaint shed light on a related matter that was not the subject of a complaint?***

20060137. The owner of an optical shop had been disciplined by the Board of Dispensing Opticians and believed one of the board members had a conflict of interest and should not have participated in adjudicating the complaint against her. The board member in question had been an individual the woman had previously interviewed for an optician's position at her business, but opted not to hire. While the board member expressed he did not believe he acted inappropriately, we agreed with the business owner that the board member should not have participated in her case. We recommended that the board take appropriate action.

In the course of our investigation, we reviewed the board's training relevant to conflict of interest and discovered that the board relied in part on the new board member training provided by the Governor's office. That training did not cover conflict of interest issues and bias as the board believed it did. As a result, we worked with the Governor's office to include conflict of interest in its training.

***Did our intervention lead to a change in statute, rule, or policy?***

20052075. A participant in the Arizona Department of Education's (ADE) Child and Adult Care Food Program (CACFP) believed that the CACFP was not appropriately including stakeholders in drafting and implementing policy for the CACFP, a Federal nutrition program administered by ADE.



The participant provided to our office examples of changes to the program that they were concerned about. We found that ADE's statutes require the agency to allow for public comment when implementing policies that affect the CACFP.

While ADE disagreed that statute requires public comment, subsequent to our preliminary report, they drafted and adopted a policy outlining that ADE will provide an opportunity for public comment for at least ten calendar days regarding program changes.

***Did our intervention lead to a change in an agency's procedure or practice?***

20052361. A non-custodial parent was having problems with the DCSE. His main concern was the length of time DCSE was taking to close his support case.

Our investigation found that the parent and the parent's attorney frequently contacted DCSE to initiate closure of his case. DCSE receives all calls through a customer service center and issues are referred to the parent's local office for follow-up and action. We found that the customer service staff referred the issue to the local office numerous times but the local office staff did not follow up.

We determined these types of referrals are identified as "B" codes by the agency when they are entered into the DCSE computer system. When the local office worker opens up the system each day, a work list is automatically generated that includes those "B" codes. Unfortunately, the local worker did not respond to the call and her supervisor didn't catch it.

We recommended DCSE include in the local supervisor's responsibilities to review all "B" code entries with staff. This should be done within a week of the monthly report of outstanding codes and should be included in all appropriate DCSE policies and procedures. DCSE agreed to implement this new procedure.

20061836. A dental patient complained that the Dental Board had allowed a dentist to pass out a booklet during a hearing in violation of the administrative rule that requires that any evidence be presented to the board 14 days in advance of a hearing.

We contacted the Dental Board about the alleged rule violation. The board agreed and changed policy to allow individuals to submit documents at the hearing as long as there are sufficient copies to distribute to all the board members. Staff members cannot copy and/or distribute them. Board staff agreed to change the Board Meeting Notice by removing the "14 days prior to the board meeting" that they have to present any evidence to the board.

Our complainant was pleased with the board's change and indicated that she intended to have evidence ready to distribute at the upcoming board hearing.

***Did we discover a field practice that was not in accordance with the agency's stated policy/procedure?***

20061393. A patient who had filed a complaint against her doctor with the Medical Board did not think the board's executive director should have dismissed her complaint. She appealed the dismissal and the executive director denied the appeal. The patient complained to us that the executive director inappropriately denied her appeal. We substantiated her allegation because we found that the executive director's appeal denial was contrary to statute.

The board's statute required appeals of an executive director's decision to be heard by the board. However, the board had an administrative rule that was in conflict because it placed limitations on which appeals the board would hear. The statute had no such limitations. As a result, we recommended the board address the woman's appeal as well as modify their practice to bring it in line with statute.

While the board did not agree with our finding, they did agree to implement the recommendations to bring their practice in line with statute and address the rule at their next five-year rule review.

20061112. A man applied to the Department of Insurance (DOI) for an insurance producer's license and submitted the required test results. He had taken the insurance exam more than 120 days prior and DOI would not process the application, saying the exam had to be completed within 120 days of his submitting his application. DOI cited HB 2189 from the 47th 1st regular legislative session, which does require all applications include exams taken within 120 days. The applicant claimed that that bill was only applicable to applicants who took the exam on or after the effective date of the bill, which was in August 2005. We investigated his allegation that DOI had incorrectly denied his application for an insurance producer's license and substantiated the allegation.

General Counsel for Legislative Council reviewed the law and concurred that statute included an exemption for anyone who took the exam prior to the bill's effective date, which the applicant did.

However, DOI disagreed and did not implement our recommendation to allow the applicant and any others who meet the exemption to submit a complete application packet. As a result, we requested that the Legislature review DOI's practice.

20061983. A pool company owner alleged to us that the Registrar of Contractors (ROC) inappropriately suspended her company's contracting license. The contractor had attempted to comply with an ROC order to perform two repairs, but the homeowner had denied the contractor access to the pool. Shortly before the deadline, the homeowner relented and the pool company reapplied the Pebble Tec coating. The ROC-imposed deadline came before the work was fully completed but the homeowner acknowledged in writing that work was progressing and he wished to end the matter. However, the ROC did not adjust the original order and suspended the contractor's license.

ROC staff informed the contractor that only a manager could approve and sign orders lifting suspensions. The company said this was unacceptable because no manager performed the task within three months. The complainant faxed us documents to verify their situation including the signed statement by the homeowner to the ROC stating the homeowner's satisfaction and desire to close the complaint.

At our behest, the ROC reviewed the contractor's evidence and immediately lifted the suspension retroactive to the date of the homeowner's written statement.

20062643. A grandmother wanted to add her minor daughter and grandchildren to her DES Family Assistance Administration (FAA) benefits. FAA granted food stamps to the woman, but not cash assistance. The grandmother believed she was entitled to cash assistance so we asked a supervisor at FAA to review the case. The supervisor determined the worker had not properly allocated two months of food stamps for the family and that the grandmother was eligible for one month of cash assistance since the young mother had not yet turned 18. FAA applied the appropriate amount to the grandmother's account.

20063111. A corporate CPA complained that DOR persisted in sending past due notices to his employer and ignored the CPA's factual documents that demonstrated that the corporation did not owe money.

We asked DOR to review the documents again. DOR determined that in processing two returns out of order, they had arrived at a faulty result. DOR re-processed the earlier return first, which corrected the error, and issued the corporation a refund.

### ***Did our intervention result in better service to citizens?***

20061501. A daycare provider wanted to know if her Child Protective Services (CPS) case was closed. CPS had investigated an allegation against the daycare provider and the investigator had indicated that the allegation was not substantiated. The provider wanted the finding in writing and to verify that the

case was closed. We contacted CPS and they sent a letter to her, as they should have done earlier.

20062341. The father in a CPS case complained that CPS had returned his children to Arizona from a paternal uncle's home in Utah where CPS had placed the children. He was upset because the children were in foster care and there were family members who wanted to take care of them.

We learned that the paternal uncle had returned the children to Arizona after he decided he could no longer care for them. By the time the father contacted us, CPS had already begun a second Interstate Compact for the Placement of Children (ICPC) application to Utah to consider a paternal aunt who also expressed an interest in caring for the children. (States are required to submit an application packet for the potential receiving state to perform a home study and accept the dependent children in their state prior to CPS sending the children to the out-of-state placement.)

We advised the father of CPS' procedures and requirements for out-of-state placements. The father agreed to continue working with the CPS case manager to continue his visits with the children until they could be placed permanently with the aunt in Utah.

20060266. A mother whose children were removed by CPS was frustrated that neither the case worker nor the supervisor was returning her calls. She indicated that the services she has been asked to participate in were conflicting with her work schedule. She felt they could work with her, but they were not returning her calls.

We contacted CPS on the mother's behalf. The case worker was able to set up appointments around the mother's work schedule.

20061206. A son had filed a complaint with the Medical Board against a doctor who had treated his mother. The board informed him his complaint was not a violation of the Medical Practice Act and they would not be investigating it. The board did not respond to the son's request for further explanation.

We called the board and were informed that as a result of our call, a staff person contacted the complainant and provided the clarification he requested. Additionally, we reviewed the Medical Practice Act and agreed that his complaint did not fall under the board's purview.

20062308. An unemployment recipient was unable to change her address with DES. Her local office had provided a number for her to call and report the change but the number was always busy.

DES staff indicated to us that they were experiencing problems with the call center and told us they would call the complainant to get her new address to update the database. The recipient later verified with us that DES had contacted her, recorded her new address, and apologized for the inconvenience.

20061968. A Fredonia resident objected to smells emanating from a city sewage plant. The woman said she called various government offices, but was unable to obtain information about the plant's impact on air and water quality in her area. She feared the plant would have adverse health affects on the residents. She said she wanted to talk to an expert to determine the possible short and long-term impacts and to discuss how state government was planning to address the problem.

We got in touch with Arizona Department of Environmental Quality (ADEQ) and their chief of enforcement looked into the matter. He reported that the city of Fredonia was actively pursuing means of reducing the problem and had spent substantial sums of money to make improvements. He said that ADEQ would coordinate with the residents and look into their concerns. We put the resident into direct contact with the person from ADEQ who could help her.

20063302. A property owner was upset that the Arizona Department of Real Estate (ADRE) had not completed their investigation of him after a period exceeding three years. The man said ADRE was investigating him and fifteen other people regarding a violation of Arizona subdivision law. The man said ADRE ignored his repeated overtures to address the concerns and settle the case and instead put a moratorium on all the property in question. None of the property owners could build, sell or otherwise alter the property while the investigation was ongoing.

ADRE admitted to us that they took too long and improperly handled the case but planned to expedite it. A short time later, they got back to us to say they met with the complainant and gave him a proposed consent order.

We contacted the complainant to confirm the information and he told us ADRE was confused, they never met with him in the period they claimed. The property owner further explained ADRE had given him a consent order proposal over a year ago, but he had refused it and had provided documents to refute the allegations.

When we contacted ADRE again, the agency recognized they had confused two of the owners. ADRE quickly examined the matter further and decided to close the case with an Advisory Letter of Concern. The Advisory Letter of Concern is non-disciplinary in nature and is intended to advise the person of the applicable statutes and rules. The property owner was then able to proceed with selling his property.

## 2006 Annual Report for CPS

The complainants who contact us regarding CPS range from parents, grandparents and other relative, to foster parents and service providers. The selection of out-of-home placements for children in the state's custody continues to be among the most frequently complained about issue we receive from families involved with CPS. We are able to resolve a number of these complaints by discussing with the caller his or her options, specific to whether the caller is a parent, grandparent or other relative.

Maintaining the confidentiality of information pertaining to a family is an important element of the service we provide. We are required to maintain the same level of confidentiality as the agency and therefore can not share case-specific information with individuals who are not recognized by the court as a party to the case. Many times, a grandparent or other relative is the child's placement, but that individual is not necessarily a party to the case. We advise these complainants that they may petition the court to be made a party and therefore gain access to more of the case information and have a voice in the court proceedings.

Grandparents and other relatives are often the best placement option for children and CPS is required to consider them first in a dependency case, whether the individual is a licensed foster care provider or not. In order to consider a relative or another unlicensed individual for placement, CPS or a contract provider conducts a home study and background check on all adults in the home. If a relative accepts placement of a child, that relative can apply through a contracted licensing agency to become licensed to be eligible for foster care payments from the state.

One of the relative placement cases we investigated came from Tucson grandparents who were caring for their granddaughter. They complained to us early in 2006 that CPS presented biased and unverified information about the grandfather to the court and failed to treat the grandparents the same as other licensed foster parents once they became licensed. Specifically, the grandparents alleged that CPS had not provided them a placement packet for their granddaughter and failed to notify the court that the grandparents were her placement so that the grandparents would receive official notice of court hearings.

We found that CPS had provided the court biased information about the grandfather in a couple of instances. CPS had included providers' accounts of their contentious encounters with the grandfather but did not give the grandfather an opportunity to refute the providers' accounts. CPS' reports to the court would have been better balanced had CPS asked the grandfather for his account of the incidents and included his statements in their reports. At our urging, CPS

submitted the grandfather's account of incidents in subsequent reports to the court.

Our investigation further supported the grandparents' claim that CPS had not timely provided them a placement packet. By the time the grandparents had complained to us, the grandparents had been given all the necessary information and documentation prior to their complaint to us and the child's care was never compromised by CPS' failure to timely provide a placement packet. We did not substantiate the grandparents' third allegation after we confirmed that CPS had appropriately provided the grandparent's information to the court so they could be noticed of hearings.

Another example of an investigation that we conducted regarding a placement was initiated with a complaint made by licensed foster parents that CPS inappropriately removed their six-year old foster child from them. Through our investigation, we determined that even though CPS didn't provide the foster parents notice of the agency's intention to remove as required in statute, CPS had reason to believe that the child was at risk of harm in the foster home and had the court's approval before they removed the child.

In this case, the case manager had met the requirement to meet monthly with the child, but each meeting had been prearranged with the foster parents and had taken place at the foster home. It was not until the case manager interviewed the child at school as a result of an inappropriate discipline report involving another child in the foster home that the case manager saw the child with her hair uncared for, her clothes worn and her shoes too big, in addition to confirming the report of inappropriate discipline.

We recommended that CPS amend their policy to require that case managers periodically visit and interview foster children away from the foster parents and periodically perform unannounced visits at the foster home. CPS did not agree with our recommendation, but stated they would amend the Foster Home Agreement to put foster parents on notice that CPS has the authority to interview a child away from the foster parent and to visit their home unannounced. We believe CPS' amendments to the Foster Home Agreement do not go far enough to protect children in out-of-placements and do not lend credibility to the agency's responsibility to oversee foster homes.

As an example of non-placement related issues, we investigated and substantiated a father's complaints that CPS did not thoroughly investigate abuse and neglect allegations regarding his daughter's mother and did not adequately and timely respond to the father's grievances. Our investigation uncovered that CPS had not linked a report and investigation on the mother from 2000 to subsequent reports made to the CPS Hotline regarding the mother in 2003 and 2005. Had CPS thoroughly reviewed all the information in CPS records, the investigation in 2005 would have been much more productive. Before we

concluded our investigation, we ensured that CPS thoroughly investigated the 2005 report including information and evidence gathered in the 2000 investigation.

The father had submitted formal grievances to the agency about the lack of a thorough investigation but the agency had failed to timely respond to any of the three levels of his grievance, and the one response he did receive contained false information. Before we concluded our investigation, CPS drafted a revised grievance policy to better ensure timely responses to grievances they receive.

CPS has made efforts to better include families and their communities in decisions they make that significantly affect a family, such as removing children due to abuse and neglect. Since early 2006 CPS has been facilitating team decision making (TDM) meetings at various points in a case to discuss concerns and arrive at a plan of action that is in the children's best interest. The first TDM is ideally held prior to CPS removing the children from the parent; and if not before the removal, after the removal but prior to the first court hearing. A family can invite any interested family and community members to participate in the meeting. We have been pleased with CPS' use of TDMs and encourage CPS to continue the useful gatherings as a way of involving families in the decision-making process.



## **CONTACTS BY AGENCY**

<b>Agency</b>	<b>Coaching</b>	<b>Assistance</b>	<b>Investigation</b>	<b>Total</b>
Administration, Department of	19	13	1	33
Administrative Hearings, Office of	1	2	0	3
Agriculture, Department of	3	2	0	5
AHCCCS	58	41	3	102
Appraisal, Arizona Board of	4	0	1	5
Arizona Commission for the Deaf & Hard of Hearing	0	2	0	2
Arizona Exposition and State Fair	1	0	0	1
Arizona State Hospital	1	0	0	1
Attorney General, Office of	33	10	2	45
Auditor General	3	0	0	3
Behavioral Health Examiners, State Board of	19	15	2	36
Boxing Commission	1	1	2	4
Charter Schools, Arizona State Board of	2	2	0	4
Chiropractic Examiners, State Board of	8	5	3	16
Commerce, Department of	2	0	0	2
Corporation Commission	28	10	0	38
Corrections, Department of	30	3	3	36
Cosmetology, Board of	2	1	0	3
Dental Examiners, Board of	14	10	4	28
DES - Aging & Community Services	114	9	2	125
DES - Benefits and Medical Eligibility	110	150	2	262
DES - Child Protective Services	522	258	40	820
DES - Child Support Enforcement	43	151	12	206
DES - Children and Family Services	4	0	1	5
DES - Developmental Disabilities	14	17	3	34
DES - Employment and Rehabilitation	24	68	4	96
DES - Other	27	10	0	37
Dispensing Opticians	0	0	1	1
Education, Department of	22	4	1	27
Emergency & Military Affairs, Department of	1	1	0	2
Environmental Quality, Department of	12	6	2	20
Executive Clemency, Board of	0	1	0	1
Financial Institutions, Arizona Department of	10	7	0	17
Fingerprinting, Board of	1	7	1	9
Fire Building and Life Safety, Department of	13	4	0	17
Funeral Directors & Embalmers, State Board of	2	0	0	2
Game and Fish, Department of	2	6	0	8
Gaming, Department of	3	0	0	3
Governor, Office of	17	1	1	19
Health Services, Department of	72	8	4	84
Health Services, Vital Records Office	14	1	0	15
Hearing Impaired Council for the	1	0	0	1
Historical Society, Arizona	1	0	0	1
Housing, Department of	3	3	0	6
Industrial Commission	66	12	0	78
Insurance, Department of	29	8	2	39
Judicial Conduct, Commission on	7	0	0	7
Juvenile Corrections, Department of	1	0	0	1

Land, Department of	7	1	0	8
Legislature	65	1	0	66
Liquor Licenses and Control, Department of	2	0	0	2
Lottery	1	0	1	2
Manufactured Housing, Office of	0	1	0	1
Massage Therapy, State Board of	2	0	1	3
Medical Board, Arizona	37	12	5	54
Naturopathic Physicians Board of Medical Examiners	1	1	0	2
Nursing Care Institution Administrators & Assisted Living Managers Examiners Board	3	0	1	4
Nursing, State Board of	12	12	1	25
Ombudsman	67	3	1	71
Optometry, State Board of	0	1	1	2
Osteopathic Examiners in Medicine and Surgery, Board of	3	4	1	8
Other - Government	381	12	2	395
Other - Private	320	9	1	330
Parks, Department of	2	0	0	2
Peace Officer Standards & Training Board	2	0	0	2
Personnel Board	4	1	0	5
Pharmacy, Board	3	1	0	4
Pioneers Home	1	0	0	1
Podiatry Examiners, State Board of	0	1	1	2
Postsecondary Education, Arizona Commission for	2	0	0	2
Private Post-Secondary Education, Board for	0	1	1	2
Psychologist Examiners, State Board of	2	1	1	4
Public Safety Personnel Retirement System	0	2	0	2
Public Safety, Department of	12	8	2	22
Racing, Department of	0	2	0	2
Radiation Regulatory Agency	2	0	0	2
Real Estate, Department of	15	17	0	32
Regents, Arizona Board of	3	0	0	3
Registrar of Contractors	21	21	16	58
Residential Utility Consumer Office	1	0	0	1
Respiratory Care Examiners, Board of	1	5	0	6
Retirement System, Arizona State	7	18	2	27
Revenue, Department of	19	22	4	45
Secretary of State, Office of	14	0	0	14
Structural Pest Control Commission	3	1	0	4
Supreme Court	2	0	0	2
Technical Registration, Board of	3	1	0	4
Tourism, Office of	2	0	0	2
Transportation, Department of	11	11	0	22
Transportation-Motor Vehicle Division	28	95	4	127
Veterans' Services, Department of	3	1	0	4
Veterinary Medical Examining Board	3	1	1	5
Water Resources, Department of	2	0	0	2
Weights and Measures, Department of	5	0	0	5
<b>TOTAL NUMBER OF CONTACTS</b>	<b>2438</b>	<b>1116</b>	<b>144</b>	<b>3698</b>

## **REQUESTS FOR INVESTIGATION**

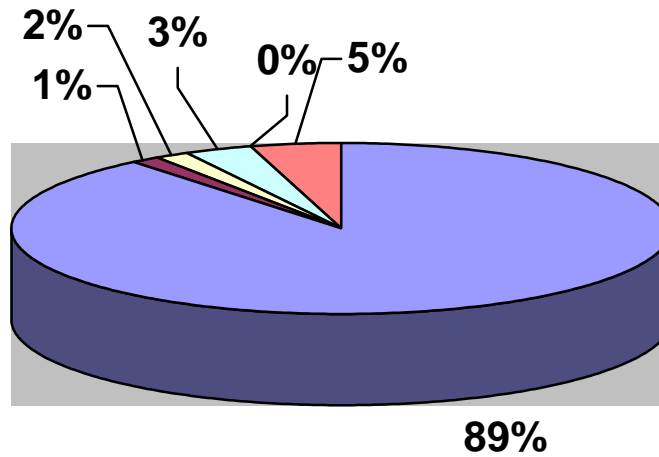
Declined*	17
Complaint withdrawn or resolved during investigation	20
Investigation completed	97
Ongoing	10
<b>TOTAL REQUESTS FOR INVESTIGATION</b>	<b>144</b>

\* The Ombudsman-Citizens' Aide has the statutory authority to decline to investigate a complaint if there is another adequate remedy available; the complaint relates to a matter that is outside the duties of the ombudsman-citizens aide; the complaint relates to an administrative act that the complainant has had knowledge of for an unreasonable time period; the complainant does not have a sufficient personal interest in the subject matter of the complaint; the complaint is trivial or made in bad faith; or the resources of the office of ombudsman-citizens aide are insufficient to adequately investigate the complaint.

## **INVESTIGATIVE FINDINGS**

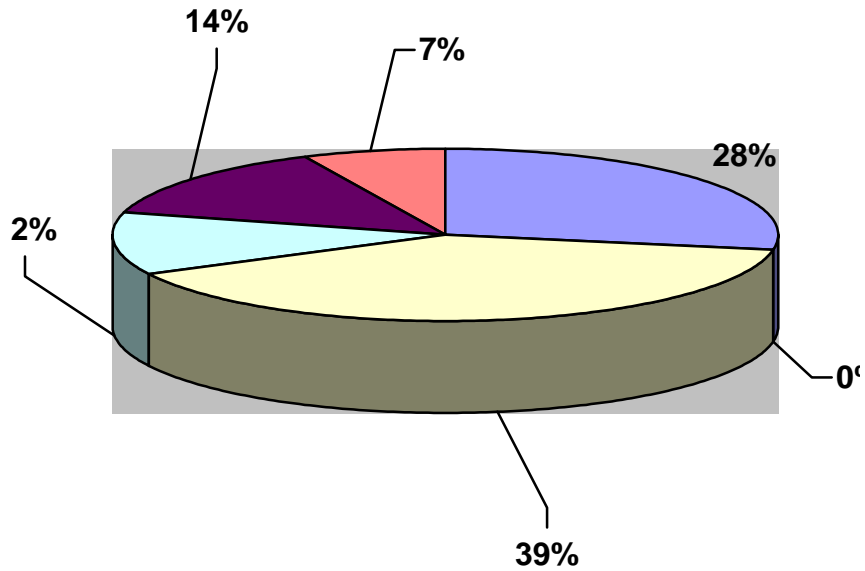
<b>SUPPORTED/PARTIALLY SUPPORTED</b>		<b>40</b>
Requires further consideration by agency	12	
Other action by agency required	14	
<sup>a</sup> Referred to the legislature for further action	2	
Action was arbitrary or capricious		
Action was abuse of discretion	1	
Administrative act requires modification/cancellation	a9	
Action was not according to law	2	
Reasons for administrative act required		
Statute or Rule requires amendment		
Insufficient or no grounds for administrative act		
<b>INDETERMINATE</b>		<b>0</b>
<b>NOT SUPPORTED</b>		<b>57</b>
<b>TOTAL COMPLETED INVESTIGATIONS</b>		<b>97</b>

## Disposition of Complaints



- ☐ Resolved with informal assistance
- ☐ Declined to investigate
- ☐ Complaint resolved or withdrawn during investigation
- ☐ Allegations substantiated/partially substantiated
- ☐ Allegations indeterminate
- ☐ Allegations not substantiated

## Results of investigations



- Finding Substantiated/Partially Substantiated
- Finding Indeterminate
- Finding Unsubstantiated
- Declined to Investigate
- Complaint Withdrawn or Resolved During Investigation
- Ongoing

## **The Ombudsman and Staff**

**Patrick Shannahan**, Ombudsman-Citizens' Aide. Pat was appointed Arizona's first Ombudsman-Citizens' Aide on July 1, 1996. He is a former military officer with extensive experience in management, problem solving, strategic planning, and negotiation. Pat's last military assignment was with the Joint Chiefs of Staff where he participated in international arms control negotiations, represented the Joint Chiefs at interagency working groups and helped formulate national security policy. Pat has completed the mediation training program presented by the Attorney General's Office and investigator training through the Council on Licensure, Enforcement and Regulation. He has a bachelor's degree from Arizona State University, a master's degree from Webster University and was a research fellow at the National Defense University in Washington DC. He is active in the United States Ombudsman Association and the Arizona State University Alumni Association.

**Joanne C. MacDonnell** - Deputy Ombudsman. Joanne joined the office in 2005 after serving nearly eight years as the Director of the Corporations Division at the Arizona Corporation Commission. She has experience in management, human resources, problem resolution, customer service, strategic planning and process analysis. Joanne was an active member of the International Association of Commercial Administrators (IACA). Prior to working in government, Joanne worked in the private sector, serving on the Board of Directors and as a division accountant for FCC Investors, Inc. She also worked in real estate as a licensed realtor associate and appraiser. Joanne has a Bachelor of Science degree from the University of Arizona in Business Administration & Real Estate. Joanne has been trained and certified as an investigator by the Council on Licensure, Enforcement and Regulation (CLEAR). She has completed additional training including the Executive Course, procurement, ethics and various risk management courses through Arizona Government University (AZGU); the Leadership Module through Rio Salado College and AZGU; Mediation Training through South Mountain Community College; EEOC training through the Governor's Office of Equal Opportunity and the Phoenix EEOC; and ombudsman training prescribed by the US Ombudsman Association (USOA). Joanne is a notary. She is active in the United States Ombudsman Association.

**Ellen Stenson**, Assistant Ombudsman for CPS. Ellen became an assistant ombudsman-citizens' aide in July 1997. After five years as a general ombudsman, she now focuses solely on complaints about Child Protective Services. Ellen completed mediation training through the Maricopa County Superior Court Dispute Resolution Alternatives office and mediates small claims cases in the justice courts. She has also completed Ombudsman training sponsored by The Ombudsman Association, and basic and advanced

investigator training through the Council on Licensure, Enforcement and Regulation. She is a graduate of Arizona State University.

**Carmen Salas**, Assistant Ombudsman. Carmen joined the Ombudsman's office in 2005. She previously worked at the Arizona Corporation Commission for nine years. For three of those years she was the Supervisor in the Corporations Division's Annual Reports Section. For the last two years she was the Management Analyst for the division. Carmen has experience in customer service, process analysis and problem resolution. She received her Bachelor of Science degree in Business Management from the University of Phoenix in October 2005. She has completed additional training including ethics, leadership and various risk management courses through Arizona Government University. She has also completed Ombudsman training sponsored by The United States Ombudsman Association, and basic investigator certification through the Council on Licensure, Enforcement and Regulation. Carmen is fluent in Spanish.

**Therasia Roland**, Assistant Ombudsman. Therasia joined the Ombudsman's office in 2006. She has a master's degree in Social Work from Arizona State University, and a bachelor's degree in Psychology from McKendree College in Lebanon, Illinois. During her graduate study, she served as an intern with DES Division of Aging and Community Services and worked with the Arizona Department of Health, Division of Chronic Disease Prevention and Nutrition Services. She has also served as a Compliance Principal for AIG financial group and managed a vocational rehabilitation program for Goodwill Industries.